

Q43735

SOLE/Joint

DECLARATION AND POWER OF ATTORNEY

as a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name; that I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural names are listed below) of the subject matter claimed and for which a patent is sought in the application entitled:

ANTIBODIES AGAINST T CELLS AS THERAPEUTICS

which application is:

aⁿ attached application
 for original application

PCT/EP95/01898 filed May 19, 1995

application Serial No. 08/737,798
 filed December 18, 1996, and amended on

(for declaration not accompanying application)

I have reviewed and understand the contents of the specification of the above-identified application, including the claims, as amended by any amendment referred to above; that I acknowledge my duty to disclose information of which I am aware and which is material to the patentability of this application under 37 C.F.R. 1.56; and that I hereby claim priority benefits under Title 35, United States Code §119, §172 or §365 of any application(s) for patent or inventor's certificate listed below and have also identified on said list any foreign application for patent or inventor's certificate on this invention having a filing date before that of the application on which foreign priority is claimed:

| Application Number | Country | Filing Date | Priority Claimed (yes or no) |
|--------------------|---------|---------------|---------------------------------|
| P 44 21 391.3 | Germany | June 18, 1994 | YES |

hereby claim the benefit of Title 35, United States Code §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in a listed prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge my duty to disclose any information material under 37 C.F.R. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of the application:

| Application Serial No. | Filing Date | Status (patented, pending, abandoned) |
|------------------------|-------------|--|
|------------------------|-------------|--|

hereby appoint John H. Mion, Reg. No. 18,879; Donald E. Zinn, Reg. No. 19,046; Thomas J. Macpeak, Reg. No. 19,292; Robert Senn, Jr., Reg. No. 21,092; Darryl Mexic, Reg. No. 23,063; Robert V. Sloan, Reg. No. 22,775; Peter D. Olexy, Reg. No. 4,513; J. Frank Osha, Reg. No. 24,625; Waddell A. Biggart, Reg. No. 24,861; Robert G. McMorrow, Reg. No. 19,093; Louis Lubinsky, Reg. No. 24,835; Neil B. Siegel, Reg. No. 25,200; David J. Cushing, Reg. No. 28,703; John R. Inga, Reg. No. 26,916; Joseph J. Ruch, Jr., Reg. No. 26,577; Sheldon I. Landsman, Reg. No. 25,430; Richard C. Turner, Reg. No. 29,710; Howard L. Bernstein, Reg. No. 25,665; Alan J. Kasper, Reg. No. 25,426; Kenneth J. Burchfiel, Reg. No. 31,333; Gordon Kit, Reg. No. 3,764; Susan J. Mack, Reg. No. 30,951; Frank L. Bernstein, Reg. No. 31,484; Mark Boland, Reg. No. 32,197; William H. Sendir, Reg. No. 32,156; Scott M. Daniels, Reg. No. 32,562; and Brian W. Hannon, Reg. No. 32,778; Abraham J. Rosner, Reg. No. 33,276; Bruce E. Kramer, Reg. No. 33,725; Paul F. Nails, Reg. No. 33,102; and Brett S. Sylvester, Reg. No. 32,765 my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and request

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that all correspondence about the application be addressed to SUGHRUE, MION, ZINN, MACPEAK & SEAS, 2100 Pennsylvania Avenue, N.W., Washington, D.C. 20037.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| | |
|---|---|
| Date: <u>X</u> <u>March 11, 1997</u> | First Inventor: <u>Stefan THIERFELDER</u> (First Name, Middle Initial, Last Name) |
| Residence: <u>Eichenau, Germany</u> | Signature: <u>X Stefan Thierfelder</u> |
| Citizenship: <u>German</u> | Post Office Address: <u>Birkenhain 5, D-82229 Eichenau, Germany</u> |

Applicant or Patentee: Stefan THIERFELDER Attorney's:
Application or Patent No. 09/134,575 Docket No.: Q-51381
Filed or Issued: August 13, 1998
For: ANTIBODIES AGAINST T CELLS AS THERAPEUTICS

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f)
and 1.27 (c)) --**

NON-PROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

| | |
|----------------------------|--|
| NAME OF ORGANIZATION | <u>GSF - FORSCHUNGSZENTRUM FUR UMWELT UND GESUNDHEIT GMBH</u> |
| ADDRESS OF ORGANIZATION | <u>Ingolstädter Landstr.1, 85764 Oberschleißheim FED REP GERMANY</u> |

TYPE OF ORGANIZATION

University or other institution of higher education
 Tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c) (3))
 Non-profit scientific or educational under statute of state of The United States of America
(Name of State) _____
(Citation of
statute) _____
 Would qualify as tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)
(30)) if located in
The United States of America
 Would qualify as nonprofit scientific or educational under statute of state of The United States
of America if located in
The United States of America
(Name of State) _____
(Citation of
statute) _____

I hereby declare that the above nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled: **ANTIBODIES AGAINST T CELLS AS THERAPEUTICS**

by inventor: Stefan THIERFELDER

Described in the specification filed herewith

application no. 09/134,575 filed August 14, 1998
 patent no. _____ issued _____

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which

FULL NAME

ADDRESS

INDIVIDUAL

SMALL BUSINESS
CONCERN

NONPROFIT
ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON

SIGNING

ppa. Stefan Reiserer i.V. Dr. Georg Menache

TITLE IN ORGANIZATION

Head of Legal Dept. Technologytransfer-Manager

ADDRESS OF PERSON

Ingolstädter Landstr.1, 85764 Oberschleissheim

SIGNING

Signature

Date October 25, 1999

ppa. Stefan Reiserer *i.V. Dr. Georg Menache*